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REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO SECURITY COUNCIL RESOLUTION 1160 (1998)

I. INTRODUCTION

1. On 31 March 1998, acting under chapter VII of the Charter of the United Nations, the Security Council adopted resolution 1160 (1998) by which it decided that all States would prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, of arms and related matériel of all types and spare parts thereof, as well as the arming and training for terrorist activities there.

2. By paragraph 9 of Security Council resolution 1160, the Security Council decided to establish a sanctions committee to undertake the following tasks and to submit reports on its work, with its observations and recommendations, to the Council:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by the resolution;

(b) To consider any information brought to its attention by any State concerning violations of the prohibitions imposed by the resolution and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by the resolution;

(d) To promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by the resolution;

(e) To examine the reports submitted pursuant to paragraph 12 of the resolution.

3. At its first meeting, on 3 April 1998, the Committee elected Mr. Celso L. N. Amorim of Brazil as its Chairman. Kenya and Portugal were elected to serve as Vice-Chairmen. The Committee is currently considering draft guidelines for the conduct of its work.

4. In paragraph 14 of Security Council resolution 1160 (1998), the Security Council requested me to keep it regularly informed and to report on the situation in Kosovo and the implementation of the resolution no later than 30 days following its adoption and every 30 days thereafter.

5. In paragraph 15 of the resolution, the Security Council requested that, in consultation with appropriate regional organizations, I include in my first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by the resolution.

II. COMPREHENSIVE REGIME TO MONITOR THE IMPLEMENTATION OF THE PROHIBITIONS IMPOSED BY SECURITY COUNCIL RESOLUTION 1160 (1998)

6. The establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by Security Council resolution 1160 (1998) would require the deployment of teams composed of qualified experts. The teams should be supported by a fully equipped communications centre. These teams would provide advice and assistance to the authorities of neighbouring and other States that bear the responsibility for enforcement of the mandatory measures in accordance with the provisions of the above resolution. In accordance with its mandate and the guidelines to be adopted by it, the Committee established by Security Council resolution 1160 (1998) would be responsible for considering reports from national authorities and regional organizations and for providing policy guidance to them. It should be noted that the United Nations is unable, within existing budgetary resources, to establish and administer the requested comprehensive monitoring regime.

7. Security Council resolution 1160 (1998) acknowledges the positive role the Organization for Security and Cooperation in Europe (OSCE) and other appropriate regional organizations could play in facilitating the implementation of the prohibitions imposed by the resolution. I believe that OSCE, with contributions and assistance from other regional organizations, as necessary, would be in a position to carry out the requested monitoring functions effectively. Those regional organizations might include the European Union, the North Atlantic Treaty Organization, and the Western European Union. They, along with the Danube Commission, contributed to the success of the former sanctions regime. The above arrangement would also facilitate the central role of the Committee established by Security Council resolution 1160 (1998).

8. If the members of the Security Council are in agreement with the concept outlined in paragraph 7 above, I would propose to explore with OSCE and other regional organizations as appropriate, their readiness to participate in a comprehensive monitoring regime with a view to submitting a more detailed proposal to the Security Council.

III. SITUATION IN KOSOVO

9. I am concerned about the deteriorating situation in Kosovo and the absence of progress in negotiations between the parties concerned. There are also

alarming reports about incidents on the border with Albania. The Secretariat, however, has no political presence in Kosovo that would enable it to obtain first-hand information on the situation in the area. Such United Nations personnel as are located in the area are devoted to humanitarian assistance. In this regard, I informed the President of the Security Council in my letter dated 9 April 1998 that the Secretariat was not in a position to make an independent assessment of the situation on the ground. Therefore, in discharging this part of my mandate, as well as in assessing whether the Government of the Federal Republic of Yugoslavia has complied in a constructive manner with conditions put forward by the Contact Group, I have had to rely on information and assessments provided by the Contact Group, OSCE and the European Union, as foreseen in paragraph 16 of Security Council resolution 1160 (1998).

10. Accordingly, I sent requests for information and assessments to the Coordinator of the Contact Group, to the Chairman-in-Office of the Organization for Security and Cooperation in Europe and to the Presidency of the European Union. As of 24 April 1998, in response to my request, I had received information on the situation in Kosovo from the Presidency of the European Union (annex I) and the Chairman-in-Office of the OSCE (annex II). Whereas no information has been received to date from the coordinator of the Contact Group, one of its members, the Russian Federation, submitted its own assessment (annex III). The Chairman-in-Office further informed me that the Organization for Security and Cooperation in Europe was working on a substantive report on the crisis in Kosovo, to be submitted to the Contact Group at the end of April, and would be prepared to provide the United Nations with regular updates on the situation in Kosovo.

11. I shall endeavour to continue to present assessments to the Security Council on the basis of information obtained from various sources.

Annex I

European Union report on the situation in Kosovo, 21 April 1998

1. Paragraph 16 of Security Council resolution 1160 (1998) calls for an assessment by the Secretary-General of whether the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, has:

> "16. (a) begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;"

2. The Government of the Republic of Serbia has issued several public invitations to representatives of "national minorities" in Kosovo, including the Kosovar Albanian community, to attend talks in Pristina. The Government has established a team, headed by Serbian Deputy Prime Minister Mr. Ratko Markovic, which has travelled to Pristina for the talks. On one occasion, the delegation of the Republic of Serbia was led by the President of the Republic, Mr. Milan Milutinovic. On 19 March, Federal President Milosevic appointed Deputy Federal Prime Minister Vladan Kutlesic as his Special Envoy for talks with the Kosovar Albanians and since then he has been a member of the team. The President of the Federal Republic of Yugoslavia has stated that he is ready to be the sponsor of the dialogue. Although representatives of some of the numerically smaller minorities have attended meetings with the Serbian Government team, the Kosovar Albanians have refused to participate.

3. The Security Council requirement on beginning a dialogue is explicitly directed at the Government of the Federal Republic of Yugoslavia. An invitation to begin a dialogue has been issued by the Serbian Government, with the inclusion of a Federal representative. The inclusion of such a representative in a Serbian Government delegation, while a positive step in itself, does not meet the requirement. This is reinforced by the decision to issue the invitation solely in the name of the Republic of Serbia. Furthermore, the Republic of Serbia has offered to hold talks in Serbian Government offices. Moreover, although the Serbian authorities have insisted that the dialogue can take place without preconditions, the stipulation that a solution must be found within the Republic of Serbia (rather than leaving this question open) amounts to the establishment of a precondition.

4. The Serbian Government has also refused to accept the participation of an outside representative or representatives, as required by paragraph 16 (a). Acting on a proposal by the President of the Federal Republic of Yugoslavia, Mr. Slobodan Milosevic, the Serbian Government intends to hold a referendum on 23 April on the participation of foreign representatives in the solution of the Kosovo crisis. This is an attempt by the Serbian Government to seek popular confirmation of its rejection of foreign involvement.

5. Although the Kosovar Albanian parties have not attended the offered talks with the Serbian Government, their representatives have made clear their

willingness to enter into dialogue without preconditions with the Government of the Federal Republic of Yugoslavia in the presence of a third party. Mr. Ibrahim Rugova, President of the Democratic League of Kosovo, has established both a 15-member team of advisers and a 4-member negotiating team in preparation for talks. The members of the advisory board have not yet agreed on a programme and some, including Mr. Rugova, continue to insist on maintaining, as an objective, independence for Kosovo. This would be in conflict with the principle of the territorial integrity of the Federal Republic of Yugoslavia affirmed in paragraph 7 of Security Council resolution 1160 (1998). On 17 April, Mr. Rugova reconfirmed the commitment of the Kosovar Albanian leadership to the dialogue. He urged that the Belgrade team meet with the Kosovar negotiating team in a neutral country/venue, with international participation, as called for by the Contact Group Ministerial meeting in Bonn, and indeed the international community.

> "16. (b) withdrawn the special police units and ceased action by the security forces affecting the civilian population;"

6. The atmosphere throughout Kosovo remains extremely tense, in particular in Drenica and surrounding areas. The activities of the security forces continue, albeit at a reduced level from that of a few weeks ago, impeding the freedom of movement of the civilian population along the main routes. A major contributory factor is the presence of approximately 16 vehicle checkpoints, situated mainly on the roads going through the Drenica triangle or those bordering it and on the Pristina-Pec road. These checkpoints were set up in early March and are in addition to the long-established vehicle control points at the entry to many towns in Kosovo. Initially the new checkpoints were manned by special police forces (PJP) and Ministry of Interior Police (MUP), supported by armoured personnel carriers and heavy machine-guns. Weapon calibres included .5", 20 mm and 30 mm cannon and 2x60 mm mortars. These checkpoints have been fortified and are now of a semi-permanent nature.

7. Until 9 April, PJP forces were effectively in control of all vehicle checkpoints. Since then, there has been no evidence of uniformed PJP forces at these points. However, the armoured personnel carriers and heavy machine-guns are still present. The current strength of uniformed security forces on duty at any given time at these vehicle checkpoints is around 300. At checkpoints in the more sensitive areas, men, apparently part of the police complement, but who are not wearing normal uniform and whose role is not immediately identifiable, have been observed.

8. In some areas, the population has returned and appears to be resuming normal life. However, there are reports of harassment of civilians at checkpoints, including physical and verbal attacks and long delays apparently without good reason. Many residents of the affected areas claim that they now choose not to travel outside their home towns for fear of harassment or delay at checkpoints. On the other hand, the police have not recently sought to prevent regular demonstrations in Pristina and other towns and, although there have been isolated confrontations, have generally refrained from excessive use of force.

9. In this connection, it should be noted that the Kosovar Albanian political representatives have not yet unreservedly condemned all terrorist activity as

required by paragraph 2. There have also been continuing Kosovar Albanian attacks on Serb police positions and, although responsibility has not been acknowledged, other attacks on alleged Kosovar Albanian collaborators.

"16. (c) allowed access to Kosovo by humanitarian organizations as well as representatives of Contact Group and other embassies;"

10. In contrast to the situation in the period immediately after the first incidents in the Drenica area, neither European Union (EU) embassies nor the humanitarian organizations have recently reported any specific problems in obtaining access to parts of Kosovo.

"16. (d) accepted a mission by the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the OSCE long-term missions;"

11. The Federal Republic of Yugoslavia has indicated willingness to accept a mission by a Personal Representative of the EU and the OSCE Chairman-in-Office to discuss relations between the Federal Republic of Yugoslavia and the EU/OSCE, but has not agreed that the mission should include a new and specific mandate for addressing the problems in Kosovo. The Federal Republic of Yugoslavia has also sought to impose conditions on the return of the OSCE long-term missions. Informal discussions on this matter are continuing.

"16. (e) facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;"

12. The Federal Republic of Yugoslavia has not granted the requested visa to the United Nations High Commissioner for Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions, although visas were granted for visits by the Special Rapporteur on the Former Yugoslavia and three human rights officers.

13. In addition, paragraph 17 of Security Council resolution 1160 (1998) "Urges the Office of the Prosecutor of the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal ..."

14. The Prosecutor wrote in March to the Minister of Justice in Belgrade seeking information to help the Court assess whether the incidents in Kosovo justified an investigation. The EU understands that the Minister's preliminary response was to dispute that the International Tribunal for the Former Yugoslavia has jurisdiction in this matter. The EU further understands that the Prosecutor has sent a second letter to Belgrade upholding the Tribunal's rights of jurisdiction, reiterating her request for information and warning the authorities of the Federal Republic of Yugoslavia that their initial response did not meet the demand in Security Council resolution 1160 (1998) for full cooperation with the Tribunal.

15. With reference to paragraph 6 of Security Council resolution 1160 (1998), the parties have begun implementation of the Education Agreement. Discussions on this matter are continuing.

Annex II

Information on the situation in Kosovo and on measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraphs 13 and 16 of Security Council resolution 1160 (1998), Warsaw, 20 April 1998

I. Situation in Kosovo

1. The situation on the ground remains relatively calm but very tense. A heavy Serbian police presence, which includes special police forces, instils in the population a sense of being under siege.

2. While there was no further large-scale violence on the scale of that reported in February and at the beginning of March, there were separate violent incidents causing a number of casualties in late March and in April.

3. There were several street demonstrations in Pristina and other towns in Kosovo in March and April, most of them organized by the Kosovar Albanians and some by the Serbian population. While all were conducted peacefully, some were dispersed by the Serbian police.

4. There has been no progress on beginning a political dialogue between the Belgrade authorities and the Kosovar Albanian community, although both sides declared their readiness to enter into such a dialogue. A delegation from Belgrade travelled to Pristina on several occasions declaring a readiness to begin a dialogue. The Kosovar Albanians declined to participate because there was no agreement on a framework and procedure for the talks. Moreover, this invitation for dialogue was issued by the Serbian Government in their Pristina offices and with the requirement that the question of the status of Kosovo be discussed only in the framework of the Republic of Serbia. This has been interpreted by the Albanian side as a precondition. At the same time, the request of the Kosovar Albanians and the international community to allow participation of an outside representative or representatives has been rejected by Belgrade. In spite of these factors, the Kosovar Albanians have formed a 15-member advisory team to prepare a platform for the talks as well as a 4-member group to participate in the talks once they begin. The longer the talks are delayed, however, the farther apart the political sides will drift.

5. Offers by the Organization for Security and Cooperation in Europe (OSCE) to the Federal Republic of Yugoslavia to facilitate the dialogue have been rejected.

6. Adding to the deadlock between the parties, the Serbian Government, acting on the proposal of President Milosevic, decided to hold a referendum on 23 April on the question of accepting or not accepting "the participation of foreign representatives in the settlement of the problem of Kosovo and Metohija". This decision was criticized by OSCE as being a diversionary tactic and having "a disruptive effect on an already inflamed situation" (statement of the OSCE Troika, 8 April 1998). The Chairman-in-Office declined a subsequent invitation by the Minister for Foreign Affairs of the Federal Republic of Yugoslavia to

observe the referendum replying that the invitation was "rather rhetorical than a meaningful effort to contribute to the improvement of the situation".

7. Access for international humanitarian organizations has improved. Also, representatives of the embassies of OSCE participating States have not reported particular obstacles to their trips to Kosovo. However, the tense atmosphere prevalent throughout Kosovo due to heavy police presence and checkpoints makes travel in the region difficult.

8. The beginning of implementation of the Education Agreement was a positive step forward, although there is a long way to go towards full reintegration of Albanians into the State system of education.

9. The situation along the borders of Albania and the former Yugoslav Republic of Macedonia is relatively normal. No evidence of a refugee flow has been reported. The danger of refugees cannot, however, be excluded in the case of renewed violence.

II. Measures taken by the Organization for Security and Cooperation in Europe

10. On 2 March 1998, the Chairman-in-Office issued a statement on Kosovo in which he expressed his deep concern over armed clashes and appealed to the sides to refrain from any further acts of violence and to start a meaningful dialogue.

11. On 10 March 1998, the Chairman-in-Office presented an action plan on Kosovo in which he requested the authorities of the Federal Republic of Yugoslavia to decrease police presence in Kosovo and for both sides to refrain from violence and prepare for dialogue. He also expressed his will to immediately dispatch Mr. Felipe Gonzalez as his Personal Representative to the Federal Republic of Yugoslavia. He called upon the Federal Republic of Yugoslavia to accept the return of the OSCE long-term missions in Kosovo, the Sandjak and Vojvodina.

12. At a special session, the OSCE Permanent Council, on 11 March, adopted Decision No. 218 which, along the lines of the Chairman-in-Office's action plan, called for the sending of Mr. Gonzalez as Personal Representative, the return of OSCE missions and the urgent beginning of a meaningful dialogue without preconditions and with the participation of an outside representative or representatives. The decision fully supported the position of the Contact Group statement adopted in London on 9 March 1998.

13. On 18 March, the Chairman-in-Office presented the mandate for his Personal Representative, Mr. Gonzalez, after consultations with the Presidency of the European Union and the members of the Contact Group. The mandate requests Mr. Gonzalez to represent OSCE in all specific areas of concern, including democratization, human rights, treatment of national minorities and the problem of the future participation of the Federal Republic of Yugoslavia in OSCE. The mandate also asks Mr. Gonzalez to address the conflict in Kosovo.

14. On 19-20 March, the Chairman-in-Office travelled to Tirana and Skopje. The main goal of his visit was to see what measures OSCE could take to prevent spillover of the Kosovo crisis. The highest authorities in both countries

declared their cooperative approach to international efforts to finding a peaceful solution to the conflict.

15. Both the OSCE presence in Albania as well as the OSCE mission in Skopje have been enhanced in order to provide for monitoring of the situation on the Kosovo border.

16. At their meeting in Bonn on 25 March, the Contact Group requested the OSCE Troika (Poland, Denmark and Norway) to submit to their next meeting a "report on compliance" of the Federal Republic of Yugoslavia on Kosovo to the Contact Group demands. The work on this report is currently under way and the final document will be presented to the Contact Group at the end of April 1998.

17. On 27 March, the Chairman-in-Office visited the Federal Republic of Yugoslavia where he met authorities in Belgrade, Pristina and Podgorica.

18. During his talks with President Milosevic in Belgrade, the Chairman-in-Office reiterated the points of his plan of action and the decision of the Permanent Council. President Milosevic responded that the Federal Republic of Yugoslavia would not be ready to accept OSCE "demands" before "taking back its seat in the Organization". He indicated that Mr. Gonzalez would be welcome under the condition that his mandate would be limited to the question of readmittance of the Federal Republic of Yugoslavia to OSCE. The authorities of the Federal Republic of Yugoslavia strongly rejected any outside participation in a dialogue on Kosovo.

19. In Pristina, the Chairman-in-Office met with Mr. Ibrahim Rugova, President of the Democratic League of Kosovo, and other leaders of the Kosovar Albanians. Mr. Rugova reiterated his position that a peaceful solution to the conflict must be found through dialogue with the participation of an outside representative. He continues to maintain his objective of achieving independent status for Kosovo, a demand that may contradict the OSCE principle of territorial integrity of States.

20. In Podgorica, President Djukanovic of Montenegro presented the Chairman-in-Office with an open-minded position on the OSCE's offer to assist the Federal Republic of Yugoslavia in the democratization process and with regard to Kosovo.

21. On 26 March, a special meeting of the Permanent Council on Kosovo took place in Vienna to discuss the status of implementation of its Decision 218. In the meantime, representatives of the embassies to the Federal Republic of Yugoslavia of the OSCE participating States have continued their visits to Kosovo to monitor the situation first-hand.

22. The Ministers of the OSCE Troika met in Warsaw on 8 April and reiterated the importance of carrying out OSCE demands leading to unconditional dialogue as the only solution to bringing about a peaceful solution to the ongoing crisis in Kosovo.

III. Conclusion

23. The basic demands of OSCE have not been sufficiently considered by the authorities of the Federal Republic of Yugoslavia. The conditions required for bringing about a meaningful dialogue have not been improved and a resolution of the crisis is not in sight.

24. The existing tensions could easily escalate into new clashes with unforeseen consequences. The potential that the conflict will continue unabated threatens the stability of the Federal Republic of Yugoslavia, the region and Europe as a whole. Intensified international efforts, therefore, are indispensable, not only to prevent a further escalation of violence, but to advance a peaceful solution to the conflict. The OSCE stands ready to participate in these efforts.

Annex III

Memorandum by the Russian Federation, 14 April 1998

1. As a result of the joint efforts of the Contact Group countries, there has lately been serious progress in the implementation of the requirements of the Security Council and the Contact Group on the stabilization of the situation in Kosovo. The basis for the comprehensive dialogue, including on the issue of meaningful self-administration in Kosovo within Serbia, the Federal Republic of Yugoslavia, has been laid down.

2. The Government of Serbia has set up a delegation to participate in negotiations without preconditions. The delegation includes a special representative of the President of the Federal Republic of Yugoslavia, Deputy Premier of the Federal Government, Mr. Kutlesic. The President of the Federal Republic of Yugoslavia, Slobodan Milosevic, whose involvement in the negotiations process has been sought by all members of the Contact Group, has confirmed his intention to sponsor the dialogue.

3. The implementation of the Educational Agreement of September 1996 has begun in accordance with the document on educational issues of 23 March 1998.

4. The situation regarding the access of international representatives to Kosovo has significantly improved. The International Committee of the Red Cross, the United Nations High Commissioner for Human Rights and the field office of the United Nations High Commissioner for Refugees in Pristina have no complaints against the authorities of Serbia and the Federal Republic of Yugoslavia in this regard.

5. In accordance with the agreement of the Contact Group of 6 April 1998, in the event that foreign representatives encounter problems with trips to Kosovo or in their other activities, a respective embassy will immediately inform the embassies of the other members of the Contact Group and the OSCE "Troika" countries in order to quickly resolve those problems with the authorities in Belgrade and Pristina.

6. We have received unambiguous assurances from the high-level authorities of the Federal Republic of Yugoslavia and Serbia that the special police units have been withdrawn from Kosovo and that the overall strength of the law enforcement personnel, including anti-terrorist forces, does not exceed the level of a year ago and is defined by the crime rate and the general crime situation in the area. Our representatives in the field confirm this information.

7. In this context, new terrorist actions by the extremist forces in Kosovo and continued external support for terrorist activities there cause deep concern. We believe that, in the recommendations on the establishment of a comprehensive regime of monitoring of the implementation of measures contained in Security Council monitoring of the implementation of measures contained in Security Council resolution 1160 (1998), which the Secretary-General is to submit to the Security Council, it is necessary to clearly outline measures aimed at prevention by the States of the arming and training of terrorists, as

well as providing financial support for terrorist activities. In view of this objective, such recommendations should specifically refer to ensuring effective monitoring on the borders of Albania and Macedonia with the Kosovo region.

8. The main task now is to make the parties begin negotiations. In this connection, we are disappointed by the fact that the Kosovar Albanian side has once again ignored Belgrade's proposal to begin the dialogue, all the more so now that the President of Serbia, Mr. Milutinovic, and a Deputy Premier of the Federal Republic of Yugoslavia have arrived in Pristina for that purpose. Contrary to the requirements of the Contact Group to immediately begin the dialogue without preconditions, it is the leadership of the Kosovar Albanians who set forth such preconditions, demanding the presence of international mediators and a conduct of negotiations solely with the representative of the President of the Federal Republic of Yugoslavia.

9. The issue of an international presence at the negotiations is of significant importance. In our view, there should be no direct mediation in the process of the negotiations per se. It is important to achieve the main goal which is to ensure necessary political support for the dialogue.

10. The Chairman-in-Office of the Organization for Security and Cooperation in Europe should agree with Belgrade on the mandate of his special representative as soon as possible. We believe that such a mandate should be formulated flexibly enough to provide the special representative with the opportunity to promote the solutions acceptable to both parties. The authorities of the Federal Republic of Yugoslavia should get a clear message that the successful mission of the special representative of the Chairman-in-Office will be conducive to the return of the Federal Republic of Yugoslavia to the Organization for Security and Cooperation in Europe. Such an assumption should be reflected in the special representative's mandate.